

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

07/12/2002

CLERK OF THE COURT  
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

CV 2002-003859

FILED: \_\_\_\_\_

ARIZONA QUALITY AIR AND ELECTRIC  
CONTRA

REX A CHRISTENSEN

v.

CONNIE R MEZA

OSBALDO M BARRAGAN

PHX JUSTICE CT-NE  
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this civil appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement without oral argument since receipt of Appellants reply memorandum on May 29, 2002. This Court has considered and reviewed the record of the proceedings from the Northeast Phoenix Justice Court (before the Hon. Michael A. Parham, Judge Pro Tem), and the Memoranda submitted by counsel.

This case was originally filed in November, 2000 by Appellant/Plaintiff as a small claims action in the Northeast Phoenix Justice of the Peace Court seeking to recover less than \$2,000.00 in amounts Appellants/Plaintiffs claimed were owed to them pursuant to a contract with Appellee, Connie R. Meza. The

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case was transferred to the Civil Division of the Justice Court when counsel entered an appearance on behalf of Ms. Meza. Trial occurred December 17, 2001 and resulted in a judgment of \$1,935.00 in favor of Appellant/Plaintiff. The trial judge denied Appellant/Plaintiff's request for attorney's fees. Judgment was entered January 14, 2002 denying the request for attorney's fees. Appellants have appealed citing the only issue is their claim that the trial judge abused its discretion in denying the request for attorney's fees in this case.

Attorney's fees awarded pursuant to A.R.S. Section 12-341.01 is discretionary with the trial court. Certainly, due process requires that claims for attorney's fees be made prior to trial in such a manner as to put the other party on notice.<sup>1</sup>

The record in this case supports the trial court's determination that attorney's fees were not appropriate, though Appellant/Plaintiff was the prevailing party, as Appellant/Plaintiff had failed to make a request for attorney's fees, other than the attorney's fees incurred in connection with its response to Appellee's Motion for Sanctions. The record discloses no other requests for attorney fees incurred.

IT IS THEREFORE ORDERED affirming the judgment of the Northeast Phoenix Justice Court.

IT IS FURTHER ORDERED remanding this matter back to the Northeast Phoenix Justice Court for all further and future proceedings in this case.

IT IS FURTHER ORDERED denying Appellants request for attorney's fees and costs incurred in this appeal.

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<sup>1</sup> See Rule 54(g)(1), Arizona Rules of Civil Procedure.  
Docket Code 019

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July 12, 2002

/S/ HONORABLE MICHAEL D. JONES

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JUDICIAL OFFICER OF THE SUPERIOR COURT